

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

E.I. DUPONT DE NEMOURS AND)
COMPANY, a Delaware corporation,)
)
Plaintiff,) C.A. No. 05-200 (KAJ)
)
v.)
)
NISSAN CHEMICAL INDUSTRIES, LTD.,)
a Japanese corporation.)
)
Defendants.)
)
)

AFFIDAVIT OF MAILING

STATE OF DELAWARE)
) ss:
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this 9th day of August, 2005, did personally appear before me Subscriber, a Notary for the State and County aforesaid, SUZANNE M. HILL, who being by me duly sworn according to law, did depose and say:

1. That she is an attorney duly licensed to practice before the Courts of the State of Delaware and the United States District Court for the District of Delaware, and is an associate with the firm of Potter Anderson & Corroon LLP, counsel for plaintiff herein;

2. That on April 14, 2005, she did cause to be mailed by International Registered Mail, Return Receipt Requested, to the Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-Ku, Tokyo 100, Japan, two sets of Motion for Leave to File a Complaint Under Seal, two sets of the Summons, two sets of the Complaint, two sets of Rule 7.1 Disclosure Statement, two sets of Motion for Preliminary Injunction, two sets of

Proposed Order re: Motion for Preliminary Injunction, two sets of Opening Brief in Support of Motion for Preliminary Injunction, two sets of Motion for Pro Hac Vice Appearance of A. Stephens Clay, Tonya R. Deem and Ronald L. Raider, two sets of Order granting Motion for Leave to File a Complaint Under Seal, two sets of Order granting Motion for Pro Hac Vice Appearance, two sets of Letter to The Honorable Sue L. Robinson from Frederick L. Cotrell, III regarding representation of Nissan Chemical Industries, two sets of Motion to Expedite Proceedings, two sets of Plaintiff's First Interrogatories and Requests for Production to Defendants, two sets of Alias Praecepta, two sets of the Certificate, two sets of the Summary Of The Documents To Be Served, and two sets of the Request For Service Abroad Of Judicial Or Extrajudicial Documents requesting that service be made pursuant to the Hague Convention upon defendant Nissan Chemical Industries, Ltd., Kowa-Hitotsubashi Building, 7-1, 3-Chome, Kanda-Nishiki-Cho, Chiyoda-Ku, Tokyo, Japan.

3. That attached hereto as Exhibit A is the Request for Service Abroad of Judicial or Extrajudicial Documents and the Certificate, completed by the Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-Ku, Tokyo 100, Japan, evidencing that proper service has been completed upon Nissan Chemical Industries, Ltd. pursuant to the Hague Convention.

4. That attached hereto as Exhibit B is the postal return receipt evidencing acceptance of the documents mailed to the Ministry of Foreign Affairs, receiving authority for non-resident foreign defendant, Nissan Chemical Industries, Ltd.

5. That on April 14, 2005, she did cause to be mailed by International Registered Mail, Return Receipt Requested, to defendant Nissan Chemical Industries,

Ltd., Kowa-Hitotsubashi Building, 7-1, 3-Chome, Kanda-Nishiki-Cho, Chiyoda-Ku, Took, Japan one set of Motion for Leave to File a Complaint Under Seal, one set of the Summons, one set of the Complaint, one set of Rule 7.1 Disclosure Statement, one set of Motion for Preliminary Injunction, one set of Proposed Order re: Motion for Preliminary Injunction, one set of Opening Brief in Support of Motion for Preliminary Injunction, one set of Motion for Pro Hac Vice Appearance of A. Stephens Clay, Tonya R. Deem and Ronald L. Raider, one set of Order granting Motion for Leave to File a Complaint Under Seal, one set of Order granting Motion for Pro Hac Vice Appearance, one set of Letter to The Honorable Sue L. Robinson from Frederick L. Cotrell, III regarding representation of Nissan Chemical Industries, one set of Motion to Expedite Proceedings, one set of Plaintiff's First Interrogatories and Requests for Production to Defendants, one set of Alias Praecepta, one set of the Certificate, one set of the Summary Of The Documents To Be Served, and one set of the Request For Service Abroad Of Judicial Or Extrajudicial Documents.

6. That attached hereto as Exhibit C is the postal return receipt evidencing acceptance of the documents mailed to non-resident foreign defendant, Nissan Chemical Industries, Ltd.

Dated this 9th day of August, 2005.

Suzanne M. Hill
Suzanne M. Hill (4414#)

SWORN AND SUBSCRIBED before me the day and year aforesaid.

Mary Ellen Stacker
Notary Public
My commission expires: 4-9-08

EXHIBIT A

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served*

1. Que la demande a été exécutée

-the (date) 平成 17年 6月 10日
 -la (date) _____
 -at (place, street, number) 東京都 千代田区 神田錦町 3-7-1
 - à (localité, rue, numéro) _____

-in one of the following methods authorized by article 5-

-dans une des formes suivantes prévantes prévues à l'article 5:

(a) **in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention***.

a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) **in accordance with the following particular method*:**

b) selon la forme particulière suivante: _____

(c) **by delivery to the addressee, who accepted it voluntarily.**

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

-(identity and description of person)

-(identité et qualité de la personne) 貝津貞 幸枝

-relationship to the addressee (family, business or other):

-(liens de parenté, de subordination ou autres, avec le destinataire de l'acte): 日産化成工業株式会社従業員

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes

Annexes

Documents returned:

Pièces renvoyées:

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

***Delete if inappropriate.**

Rayer les mentions inutiles.

Done at 東京都, the 2005. 6. 13
Fait à _____, le _____

Signature and/or stamp.

Signature et/or cachet.

東京地方裁判所民事第4部
裁判所書記官 小川祐貴子

578

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

DEMANDE

*AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE*

CA 05-200

**Convention on the service abroad of judicial and extrajudicial documents in civil or
Commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile
ou commerciale, signée à La Haye, le 15 Novembre 1965.*

Identify and address of the applicant <i>Identité et adresse du requérant</i>
Richard L. Horwitz, Esquire Potter Anderson & Corroon LLP 1313 N. Market Street, P.O. Box 951 Wilmington, DE 19899 USA Pursuant to the laws of Delaware and as adopted by the Federal Courts, Attorneys are officers of the Court and, therefore, are empowered to sign this Request (Fed. R. Civ. P. 4 (c)(2))

Address of receiving authority <i>Adresse de l'autorité destinataire</i>
The Minister of Foreign Affairs 2-2-1 Kasumigaseki, Chiyoda-ku Tokyo 100, Japan

The undersigned applicant has the honour to transmit--in duplicate--the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)

*Le requérant soussigné a l'honneur de faire parvenir--en double exemplaire--à l'autorité destinataire les documents ci-dessous énumérés,
en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:
(identité et adresse)*

Nissan Chemical Industries, Ltd., Kowa-Hitotsubashi Building, 7-1, 3-Chome, Kanda-Nishiki-Cho, Chiyoda-Ku,
Tokyo, Japan

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): _____

(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.
c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes*--with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renoyer au requérant un exemplaire de l'acte--et de ses annexes--avec l'attestation figurant au verso.

List of documents

Enumération des pièces

Two sets of the Request

Two sets of the Certificate

Two sets of the Summary of Documents to be Served

Two sets of the Summons

Two sets of the Complaint with Exhibits

Two sets of Motion for Preliminary Injunction

Two sets of the Brief in Support of the Motion for Preliminary
Injunction and Attachments

Two sets of the Motion to Admit Attorneys Pro Hac Vice

Two sets of the Motion to Expedite

Two sets of the Plaintiff's Interrogatories and Requests for

Production to Defendant

Done at Wilmington, Delaware, the 13 day of April 2005
Fait à April, le 2005

Signature and/or stamp.
Signature et/ou cachet.

Peter J. Horwitz

Bell Ries, Deputy Clerk
(Formerly OBD-116 which was formerly LAA-116, USM-94
both of which may still be used)
(Est. 11/22/77)

*Delete if inappropriate.
Rayer les mentions inutiles.

17.4.19

郵便送達報告書 (住所、居所等用)		発送年月日	平成17年6月9日
事件番号	平成17年(工)第222号		
送達書類の名称	1. SUMMARY OF THE DOCUMENT TO BE SERVED (文書の要領) 2. CIVIL COVER SHEET 3. FIRST INTRROGATORIES (2通) 4. REQUEST (2通) 5. MOTION (3通) 6. MOTION AND ORDER (2通) 7. ORDER (2通) 8. NOTICE (2通) 9. PLAINTIFF'S RULE 7.1 DISCLOSURE STATEMENT		
	差出人名	郵便番号 100-8920 東京都千代田区霞が関1丁目1番4号	
受送達者本人氏名	東京地方裁判所民事第4部 日産化学工業株式会社		
受領者押印又は署名	日産化学工業株式会社 貝瀬幸枝		
送達の場所	郵便番号 100-0054 4代目区役所前門 - 1		
送達年月日時	平成17年6月10日12時		
送達方法	1 受送達者本人に渡した。		
	受送達者本人に会わなかつたので、書類の受領について相当のわきまえがあると認められる次の者に渡した。		
	2 使用人・従業者 同居者 氏名 (貝瀬幸枝)		
	3 受送達者本人 使用人・従業者 同居者 氏名 ()		
	4 郵便局に出した書類の受領について相当のわきまえがあると認められる次の者に渡した。		
差出人記入欄	上記のとおり送達しました。 平成17年6月10日 郵便局 配達担当者 (貝瀬幸枝)		

1 受領者が押印又は署名をすることのできないときは、「受領者の押印又は署名」欄にその旨を記入すること。

2 「送達の場所」欄は、市町村名から住居番号等まで詳細明確に記入すること。

3 「送達年月日時」欄の年月日時のいずれかの数字が1桁のときは、枠内に右

4 詰めで記入すること。また、時刻は2.4時間制で記入すること。

4 「送達方法」欄は、次により記入すること。

(1) 「1」の欄については、数字を「○」で囲む。

(2) 「2」、「3」及び「4」の欄については、該当する数字を「○」で囲み、その氏名を記入する。ただし、該当する者が受取者であるときは、その氏名を記入しない。



100-8920

東京都千代田区霞が関一丁目1番4号

東京地方裁判所民事第四部御中

文書受領の催告書について

平成17年6月3日

デラウエア合衆国地方裁判所よりの送達すべき文書にかかる平成17年5月18日付貴催告書を受領いたしました。

同催告書に従い、本書により下記にて当該文書の当社への送付を希望しますのでよろしくお願いいたします。

101-0054

東京都千代田区神田錦町三丁目七番地1

日産化学工業株式会社

取締役社長 藤本修一郎



記

事件番号： 平成17年(エ)第222号共助事件

担当部、書記官名： 東京地方裁判所民事第四部 裁判所書記官 小川祐貴子殿

催告書中の受領期限年月日： 平成17年6月8日

以上

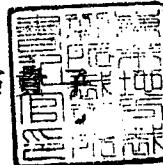


平成 17 年 (エ) 第 222 号共助事件
平成 17 年 5 月 18 日

日産化学工業株式会社殿

東京地方裁判所民事第 4 部

裁判所書記官 小川祐



文書受領の催告書

当裁判所は、アメリカ合衆国の全状送達者から下記の文書を送達すべき旨の要請を受けました。については、平成 17 年 6 月 8 日までに当裁判所民事第 4 部書記官室 (4 階) に出頭の上、下記の文書を受領するか、又は下記の文書の送付を希望される場合には、その旨を前記の日までに書面によって申し出てください。

なお、あなたが前記の日までに出頭しないか、又は送付の申し出をしないときは、文書の受領が拒絶されたものとして、下記の文書を要請者に返送します。

記

1 送達すべき文書の表示

別紙、1 つより

2 送達すべき文書を発出した当局の表示

別紙 2 つより

3 当事者の氏名及び資格

別紙 3 つより

4 訳文添付の有無

無

5 当裁判所の所在地

郵便番号 〒100-8920

住所 東京都千代田区霞が関 1-1-4

電話番号 代表 (03 (3581) 5411) (内線 3298)
ス は
03 (6478) 2466

注意 1 出頭の際は、この催告書を受付に提示してください。

なお、本人の場合には、身分を証明できるもの及び印鑑、法人の場合は、資格証明書、委任状、印鑑証明書及び受領者の印鑑を持参してください。
↓ ↓ ↓
会社登記簿抄本 同上 代表者印

2 文書の送付を希望する場合には、次の事項を明記の上、書面で申し出てください。

(1) 事件番号

(2) 担当部、書記官名

(3) 本催告書中の受領期限年月日



1 送達すべき文書

- 1 SUMMARY OF THE DOCUMENT TO BE SERVED (文書の要領)
- 2 CIVIL COVER SHEET
- 3 FIRST INTERROGATORIES (2通)
- 4 REQUEST (2通)
- 5 MOTION (3通)
- 6 MOTION AND ORDER (2通)
- 7 ORDER (2通)
- 8 NOTICE (2通)
- 9 PLAINTIFF'S RULE 7.1 DISCLOSURE STATEMENT
- 10 ALIAS PRAECIPE
- 11 LETTER
- 12 COMPLAINT
- 13 OPENING BRIEF

2 送達すべき文書を発出した当局

デラウェア合衆国地方裁判所

3 当事者の氏名及び資格

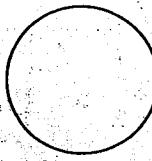
原告 E. I. DU PONT DE NEMOURS AND COMPANY

被告 日産化学工業株式会社 外

EXHIBIT B



Return Receipt for International Mail
(Registered, Insured, Recorded Delivery, Express Mail)



Postmark of
the office
returning the
receipt
*Timbre du
bureau
renvoyant
l'avis*

Par Avion

return by the
quickest route
air or surface
mail), a découvert
and postage free.....

The sender completes and indicates the address for the return of this receipt.
(*A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.*)

Name or Firm (*Nom ou raison sociale*)

RICHARD L. HORWITZ, ESQ.

Potter Anderson & Corroon, LLP
1313 North Market St., P.O. Box 951

Street and Number (*Rue et no.*)

Wilmington DE 19899

City, State, and ZIP + 4 (*Localité et code postal*)

UNITED STATES OF AMERICA

Etats-Unis d'Amérique

5 Form 2865, February 1997

Avis de réception

CN07 (Old C5)

Completed by the office of origin. (A remplir par le bureau d'origine.)	Item Description (Nature de l'envoi)						Registered (Article recommandé)	Letter (Lettre)	Printed (Imprimé)	Other (Autre)	Recorded Delivery (Envoi à livraison attestée)	Express Mail International national
	Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)	Article Number	AB 458 342 15								
Office of Mailing (Bureau de dépôt)						Date of Posting (Date de dépôt)						
The Minister of Foreign Affairs						10-14-05						
Addressee Name or Firm (Nom ou raison sociale du destinataire)						22-1 Kasumigaseki, Chiyoda-ku						
Street and No. (Rue et No.)						TOKYO 100, Japan						
Place and Country (Localité et pays)						APR. 19. 2005						
Completed at destination (A compléter à destination)						Postmark of the office of destination (Timbre du bureau de destination)						
<p>This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail.</p> <p>(Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à expéditeur.)</p> <p><input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)</p>												
Signature of Addressee (Signature du destinataire)						Office of Destination Employee Signature (Signature de l'agent du bureau du destinataire)						

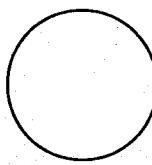
PS Form 2865, February 1997 (Reverse) RB 888 342 155 US

EXHIBIT C



dministration
es Postes des
tats-Unis
Amérique

Return Receipt for International Mail
(Registered, Insured, Recorded Delivery, Express Mail)



Postmark of
the office
returning the
receipt
Timbre du
bureau
renvoyant
l'avis

Par Avion

eturn by the
eapest route
air or surface
ail), a découvert
nd postage free....

renvoyer par
voie la plus
rapide (aérienne
u de surface),
découvert et
n franchise de
ort.

The sender completes and indicates the address for the return of this receipt.
(A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)

Name or Firm (Nom ou raison sociale)

RICHARD L. HORWITZ, ESQ.

Potter Anderson & Corroon, LLP

1313 North Market Street, P.O. Box 951

Street and Number (Rue et no.)

Wilmington, DE 19899

City, State, and ZIP + 4 (Localité et code postal)

UNITED STATES OF AMERICA

Etats-Unis d'Amérique

S Form 2865, February 1997

Avis de réception

CN07 (Old C5)

Completed by the office of origin. (A remplir par le bureau d'origine.)	Item Description			<input checked="" type="checkbox"/> Registered	<input type="checkbox"/> Letter	<input type="checkbox"/> Printed	<input type="checkbox"/> Other	Recorded Delivery	Express
	(Nature de l'envoi)			<input checked="" type="checkbox"/> Article (Envoi recommandé)	<input type="checkbox"/> Letter (Lettre)	<input type="checkbox"/> Matter (Imprimé)	<input type="checkbox"/> (Autre)	(Envoi à livraison attestée)	Mail International
	Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)	Article Number	RB 858 342 14					
	Office of Mailing (Bureau de dépôt)	Date of Posting (Date de dépôt)						04-14-05	
	Addressee Name or Firm (Nom ou raison sociale du destinataire)								
	KOWA-Hitotsubashi Building								
	Street and No. (Rue et No.)								
	7-1, 3-Chome, Kanda-NISHIKI-Cho.								
	Place and Country (Localité et pays)								
	Chiyoda-KU, Tokyo, Japan								
Completed at destination. (A compléter à destination.)	This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à expéditeur.)						Postmark of the office of destination (Timbre bureau de destination)		
	<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)						Date		
	Signature of Addressee (Signature du destinataire)			Office of Destination Employee Signature (Signature de l'agent du bureau du destinataire)					
	Maki Inazawa								

PS Form 2865, February 1997 (Reverse) RB 858 342 147 U.S. 19 APR 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Suzanne M. Hill, hereby certify that on August 9, 2005, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Frederick L. Cottrell, III
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0551

By: Suzanne M. Hill
Richard L. Horwitz (#2246)
Suzanne M. Hill (#4414)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
shill@potteranderson.com